

From: Craig Hoffman
To: Docket Optical System; Mineka Foggie
Date: 11/10/2009 8:26 AM
Subject: Fwd: Mariposa Energy Project - Data Request 56

DOCKET

09-AFC-3

DATE NOV 09 2009

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This email needs to be docketed and pos'd.

Thank you.

Craig Hoffman
 Project Manager

California Energy Commission
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>>> "Greggory L. Wheatland" <glw@eslawfirm.com> 11/9/2009 8:48 PM >>>
 Craig Hoffman, Siting Project Manager

Kerry Willis, Staff Counsel

Craig and Kerry:

I am writing this email to you in reference to Data Request ("DR") 56.

DR 56 asks the Applicant to Provide "a general environmental analysis sufficient to meet the CEQA requirements for indirect project impacts for a list of "preferred mitigation measures".

We agree with the Staff that the Commission needs to identify all "significant direct and indirect impacts of the Project." However, as we explain below, we believe that only two transmission system upgrades listed in DR 56 are indirect project impacts of the Mariposa Energy Project ("MEP").

The transmission upgrades listed in DR 56 appear to be the same as the upgrades that are listed in Section 14 of the Transmission Cluster Phase I Interconnection Study Report (Cluster Study Report) prepared for MEP by the California ISO ("CAISO"). However, these listed upgrades are not "preferred mitigation measures" for the MEP. Instead, the upgrades listed in Section 14 are all of the upgrades evaluated for all 12 generating projects. Most of the upgrades listed in Section 14 of the Cluster Study Report and in DR 56 are not related in any way to MEP. That is, the Cluster Study determined that MEP does

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not contribute to the need for these particular upgrades in any manner whatsoever and has assigned a zero cost responsibility to the MEP for these upgrades. For three of the upgrades, there is a very slight, but insignificant relationship between the MEP and the upgrade, and the Cluster Report assigns a negligible cost responsibility of 0.1% to 1.8% to MEP.

There are only two upgrades for which the CAISO has determined that MEP has any significant cost responsibility. These upgrades are :

(1) Reconductor 3 miles of the Kelso-USWP RLF section of the Kelso-Tesla 230 kV line with 1113 Kcmil ACSS or equivalent (32.5% responsibility); and

(2) Reconductor 5 miles of the USWP RLF-Tesla section of the Kelso-Tesla 230 kV line with 1113 Kcmil ACSS or equivalent (32.5% responsibility).

For all other upgrades listed in DR 56, the Cluster has determined that MEP has almost no or no responsibility. In other words, even though these upgrades may occur as a result of the construction of other generating units within the Transmission Cluster, these upgrades are not caused by MEP to any significant degree.

The following table, summarizing Section 12 of the Cluster Study, lists those transmission system upgrades listed in DR #56 for which MEP either has very little or no responsibility:

Data Request #56 Transmission Upgrade*

Percentage Responsibility Allocated to MEP

Reconductor 22.8 miles of the Castro Valley- Newark 230 kV line with 795 Kcmil steel supported aluminum conductor (ACSS) or equivalent conductor.

0%

Reconductor 10 miles of the Contra Costa-Brentwood 230 kV line with 954 Kcmil ACSS or equivalent.

0%

Reconductor 17 miles of the Contra Costa-Windmaster section of the Contra Costa-Delta Pumps 230 kV line with 1113 Kcmil ACSS or equivalent.

0.1%

Reconductor 1.4 miles of the Windmaster-Delta Pumps section of the Contra Costa-Delta Pumps 230 kV line with 1113 Kcmil ACSS or equivalent.

0.1%

Reconductor 4.7 miles of the Altamont-Delta Pumps section of the Delta Pumps-Tesla 230 kV line with 1113 Kcmil ACSS or equivalent.

0.1%

Reconductor 3 miles of the Altamont-Tesla section of the Delta Pumps-Tesla 230 kV line with 1113 ACSS or equivalent.

0%

Reconductor 21 miles of the Las Positas-Newark 230 kV line with 954 Kcmil ACSS or equivalent.

0%

Reconductor 12 miles of the Lonetree-USWP JRW section of the Lonetree-Cayetano 230 kV line with 954 Kcmil ACSS or equivalent.

0%

Reconductor 12 miles of the Morago-Castro Valley 230 kV line with 795 Kcmil ACSS or equivalent.

0%

Reconductor 1.1 miles of the Trimble-San Jose B 115 kV overhead line section with 477 Kcmil ACSS or equivalent.

0%

Reconductor 3 miles of the USWP JRW-Cayetano 230 kV line section with 954 Kcmil ACSS or equivalent.

0%

Reconductor 10 miles of the North-Dublin- Vineyard 230 kV line with 954 Kcmil ACSS or equivalent.

0%

Reconductor 14 miles of the Vineyard-Newark 230 kV line with 954 Kcmil ACSS or equivalent.

0%

Reconductor 5 miles of the Vaca Dixon-T275 No.1 230 kV line with bundled 795 Kcmil ACSS or equivalent.

1.8%

Reconductor 5 miles of the Vaca Dixon-T275 No.2 230 kV line with bundled 795 Kcmil ACSS or equivalent.

1.8%

Although not mentioned in DR 56, MEP has also been allocated a 3.7 % responsibility for a project involving looping the Contra Costa-Moraga No. 1 230 kV line into Contra Costa Substation.

While it is important that the AFC evaluate MEP as a whole, it is equally important that the AFC not evaluate elements of the transmission cluster that are not a direct or indirect impact of the project.

Upgrades are not part of MEP nor are they a direct or indirect impact of MEP, if they are not "crucial elements without which the proposed projects cannot go forward." (National Parks & Conservation Assn. v. County of Riverside (4th Dist. 1996) 42 Cal. App. 4th 1505, 1519 (citing San Joaquin Raptor Wildlife Rescue Center v. City of Stanislaus (5th Dist. 1994) 27 Cal. App. 4th 713, 732).) Where the cost responsibility of an upgrade is 3.7% (0.037) or less, the upgrade is not a crucial element of MEP without which the project could not go forward. Clearly, these upgrades are integral to some other proposed generating unit or combination of units within the cluster, but not to MEP.

Therefore, with the Staff's consent, the Applicant proposes to provide, in response to DR 56, a general environmental analysis sufficient to meet the CEQA requirements for indirect project impacts of the following upgrades:

(1) Reconductor 3 miles of the Kelso-USWP RLF section of the Kelso-Tesla 230 kV line with 1113 Kcmil ACSS or equivalent (32.5% responsibility); and

(2) Reconductor 5 miles of the USWP RLF-Tesla section of the Kelso-Tesla 230 kV line with 1113 Kcmil ACSS or equivalent (32.5% responsibility).

We do not propose to provide a general environmental analysis of those other upgrades listed in DR 56 for which the cost responsibility of the MEP is 3.7% or less.

We request your concurrence with this approach.

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**APPLICATION FOR CERTIFICATION
FOR THE *MARIPOSA ENERGY PROJECT*
(MEP)**

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 10/29/09)

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DECLARATION OF SERVICE

I, Mineka Foogie, declare that on November 10, 2009, I served and filed copies of the attached Data Request 56 Response dated November 9, 2009. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

<http://www.energy.ca.gov/sitingcases/mariposa/index.html>.

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

 x sent electronically to all email addresses on the Proof of Service list;

 x by personal delivery or by depositing in the United States mail at Sacramento, California, with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

 x sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

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I declare under penalty of perjury that the foregoing is true and correct.

Original signed by:
Mineka Foogie